IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

MARCUS WILLIAMSON,

        Plaintiff,

v.   CIVIL ACTION NO. 5:04-cv-01191

D. PRITT, et al.,

        Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are the plaintiff's Application to Proceed *in forma pauperis* [Docket 1] and Motion for Civil Rights Violation [Docket 2]. These matters were referred to the Honorable R. Clarke VanDevort, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court construe the plaintiff's January 25, 2005 letter [Docket 4] as a request to **WITHDRAW** the plaintiff's Application to Proceed *in forma pauperis* and to **DISMISS** the matter without prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Camby v. Davis,* 718 F.2d 198, 200 (4th Cir. 1983). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Therefore, the court accepts and incorporates herein

the findings and recommendation of the Magistrate Judge and orders judgment consistent with the

findings and recommendations.

The court **FINDS** that the plaintiff's January 25, 2005 letter is a request to withdraw the

Application to Proceed *in forma pauperis* and to dismiss the case. Accordingly, the court **GRANTS**

the plaintiff's request and **ORDERS** that this case be **DISMISSED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any

unrepresented party.

ENTER: August 31, 2005

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE